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**IN THE CLAIMS:**

Please cancel claims 1, 5-46 and claims 48-49, without prejudice or disclaimer,  
and amend the following claims:

H  
2. (amended) Cells obtained from the plant of <sup>claim 67 or 68</sup> ~~any one of claims 47 or 60-67~~  
[claim 1], wherein said cells comprise the introduced gene.

H C<sup>2</sup>  
3. (amended) Progeny of the plant of <sup>claim 67 or 68</sup> ~~any one of claims 47 or 60-67~~ [claim 1],  
wherein said progeny comprise the introduced gene.

4. (amended) Seeds obtained from the plant of claim 3, wherein said seeds  
comprise the introduced gene.

C<sup>3</sup>  
47. (amended) A fertile, transgenic maize plant, the genome of which has been  
augmented by the introduction of a DNA composition comprising a selectable or  
screenable marker gene comprising a dalapon dehalogenase (*deh*) gene, an  
anthranilate synthase gene that confers resistance to 5 methyl tryptophan, an aequorin

Sub  
D.1

C3  
gene, or a gene encoding a cell wall protein [modified to include a unique epitope not normally expressed in maize plants], so that the transgenic plant exhibits one or more phenotypic characteristics that render it identifiable over the corresponding untransformed maize plant which does not comprise said gene, and wherein said gene is transmittable through normal sexual reproduction of the transgenic maize plant to subsequent generation plants.

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C4  
56. (amended) The transgenic maize plant of claim 47, wherein the selectable or screenable marker gene comprises a gene encoding a cell wall protein [modified to include a unique epitope not normally expressed in maize plants].

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57. (amended) The transgenic maize plant of claim 56, wherein the selectable or screenable marker gene comprises a gene encoding an [antigenically modified] HPRG.

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C5  
Sub E2  
61. (amended) A fertile, transgenic maize plant, the genome of which has been augmented by the introduction of a DNA composition comprising an exogenous gene encoding a selected trait, the gene positioned under the control of an inducible or tissue-specific promoter or enhancer comprising an  $\alpha$ -tubulin promoter, an actin promoter, [a *rbcS* promoter,] an *ocs* promoter, [a *nos* promoter, a zein storage protein gene promoter,] an ABA-inducible promoter, or a turgor-inducible promoter, so that the transgenic plant exhibits one or more phenotypic characteristics that render it identifiable over the corresponding untransformed maize plant which does not